



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 5, 1992

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Texas Department of Criminal Justice
Institutional Division
P. O. Box 99
Huntsville, Texas 77342-0099

OR92-183

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID #13378.

The Texas Department of Criminal Justice (the "department") has received a request for "any information in your possession or under your care regarding James L. Nelson, Jr.," a former and now deceased inmate. You advise us that copies of the inmate's files have been released to the requestor's attorney. You claim, however, that a Bexar County Jail Inmate Management Information Classification Sheet and a Department of Public Safety "Rap Sheet" are excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release would

unduly interfere with law enforcement. Open Records Section No. 434 (1986), citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); *see also* Open Records Decision No. 413 (1984) (Department of Corrections is a "law enforcement" agency within the meaning of section 3(a)(8)).

We have examined the documents submitted to us for review. You do not explain how release of the requested information might undermine a legitimate law enforcement interest, nor do the documents supply such an explanation on their face. Accordingly, we conclude that the Bexar County Jail Inmate Management Information Classification Sheet and the Department of Public Safety "Rap Sheet" may not be withheld from required public disclosure under section 3(a)(8) and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-183.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/lmm

Ref: ID# 13378
ID# 13493
ID# 14731
ID# 14260
ID# 14250

cc: Ms. Yvonne R. Nelson
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